

# EXHIBIT 10

**DECLARATION OF JOHN RAPP**

I, John Rapp, hereby declare as follows:

1. I have personal knowledge of the facts contained in this Declaration, and they are true to the best of my knowledge and belief. I am over 18 years old and competent to testify to the following.

2. I farm land in and around Belle Rive, Illinois.

3. I first purchased Nutriplant™ products about three or four years ago. I purchased those products from Ben Buckwalter, who sold them through a company called Yield Nation.

The first I heard of Nutriplant™ was when Mr. Buckwalter first visited my farm on a sales call.

After speaking to him about the Nutriplant™ products, I bought one 30-gallon drum of Nutriplant™ AG foliar treatment, a spray fertilizer, and several buckets of Nutriplant™ SD seed treatment, which helps seeds flow through a planter while adding some nutrients.

4. The Nutriplant™ products performed very well. I did not perform a yield check, but the foliar spray appeared to visually improve the crop. Importantly, the foliar spray was also easy to use and apply, and blended well with anything else I needed to spray.

5. For several years I purchased the Nutriplant™ foliar spray and seed treatment from Mr. Buckwalter, who was selling Nutriplant™ products through Yield Nation. Each year the Nutriplant™ foliar spray came in a blue drum with a Nutriplant™ label and the seed treatment came in round, white buckets with a Nutriplant™ label. A true and correct photograph of the Nutriplant™ foliar spray I received for the 2019 crop year is attached as **Exhibit A**.

6. Each year The Nutriplant™ products performed as I expected them to. And each year I purchased the product the same way: Mr. Buckwalter would generally call on the phone then stop by in person with an invoice.

7. The last time I bought what I believed to be Nutriplant™ products from Yield Nation was in November 2019 for the 2020 crop year. I bought one 30-gallon drum of the Nutriplant™ foliar spray and five buckets of Nutriplant™ seed treatment. I purchased the Nutriplant™ products from Yield Nation because of the way they had performed in the past. A true and correct copy of the Yield Nation invoice Mr. Buckwalter provided me for that purchase showing the Nutriplant™ products I was purchasing is attached as **Exhibit B**.

8. I paid Yield Nation by check for that purchase. A true and correct copy of the check to Yield Nation in my handwriting is attached as **Exhibit C**.

9. The drum of foliar spray was delivered in early 2020. I could immediately see that it was not the same Nutriplant™ product I had purchased in the past. It was in a clear, white drum, instead of the blue drums I had previously received, which was also represented on the invoice for this purchase, and the label on the drum said Yield Nation instead of Nutriplant™. A true and correct photograph of the drum I received is attached as **Exhibit D**.

10. Mr. Buckwalter never told me that he was selling me Yield Nation products instead of Nutriplant™.

11. The Yield Nation foliar spray had serious problems. For one, the product separates and will not mix back together. I rolled the barrel around my shop floor to mix it, but as soon as I stopped, the product would immediately come out of suspension and separate again. This never happened with the Nutriplant™ product.

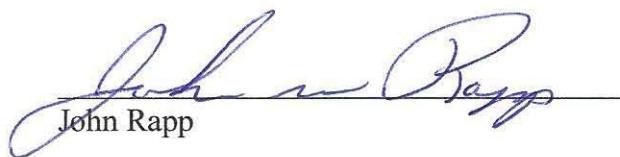
12. I refused to use the Yield Nation spray in my sprayer because putting a separated product like that in a sprayer will clog it up. I had heard from other farmers who used the same product that they had experienced clogs when trying to use the Yield Nation spray, so I avoided it.

13. I tried multiple times to contact Mr. Buckwalter about the Yield Nation product he sent me, but never got through to him.

14. My experience with Mr. Buckwalter and Yield Nation affected my trust in people selling Nutriplant™ products. I would consider purchasing Nutriplant™ products again, but only from someone I personally trusted.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 24, 2021



John Rapp

## Exhibit

A

200



Remit Payment to:

O'Fallon, MO 63368



SALES RECEIPT

YIELDNATION.COM

Sales Rep: Ben Buckwalter  
 Phone: [REDACTED]  
 Email: [REDACTED]

Sale To: Rapp Bros

Bell River, IL

**PAID**

# 9209



Ensure maximum crop yield  
 with this liquid foliar  
 nutritional supplement.

Provide essential nutrients which activate  
 crucial enzymes that optimize metabolic  
 pathways necessary for proper seedling  
 growth and enhanced vigor.

For better weed control, for hard-  
 to-penetrate soils, for many  
 farming applications.



PAYMENT METHOD		DATE OF SALE		MISC.		
QTY	ITEM	DESCRIPTION	UNIT PRICE	DISCOUNT	LINE TOTAL	
1	30 gal. 25lb	Nutriplant AG	\$12.00/acre	\$2.00/acre	\$2,350	#A1 Bc 215
		Root Enhancement	\$3.00/acre	-\$1.00/acre	\$2,400	
				TOTAL DISCOUNT		
					SUBTOTAL	
					SALES TAX	
					TOTAL	\$4,750.00

Exhibit

B

Please make check payable to Yield Nation

Thank you for your business!

REDACTED

70-680812

9209

Rapp Bros Farm  
John W. Rapp or Paul J. Rapp

Bell Rive, IL 62810

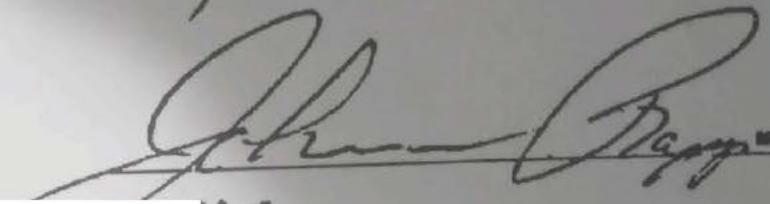
DATE 11-27-19

PAY TO THE  
ORDER OF

Yield Nation \$4750.00  
Forty Seven Hundred and Fifty DOLLARS 

PEOPLES NATIONAL BANK  
PEOPLESNATIONALBANK.COM

MEMO 



14.11

PRINTED ON RECYCLED PAPER

ENDORSE HERE

CHECK HERE AFTER MOBILE OR VEHICLE DEPOSIT

NO

DATE

NO

DO NOT WRITE STAMP OR SIGN

IN THIS LINE

PLS SIGN

291

Seq: 107  
Batch: 009723  
Date: 12/06/19

SLN:009723 12/06/19  
BAT: 009723 CC: 722000000000  
AT: 61 LTFS Dallas C  
BC: Shoppes at Lake St. Louis

Exhibit

exhibitsticker.com

C

## Exhibit

D

LOT #047202C  
30 g (1 fl. oz.)  
Net weight: 30 g (350 mg)  
May Cause Skin and Eye Irritation.  
Keep Out of Reach of Children.  
GliaMed and GliaMed are trademarks of  
Windham Wellness Group LLC  
2727 Highway 9222  
WV 25419-0256  
U.S.A.